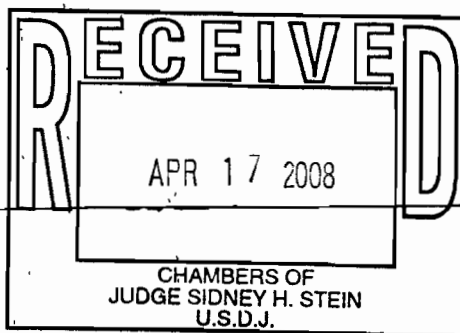


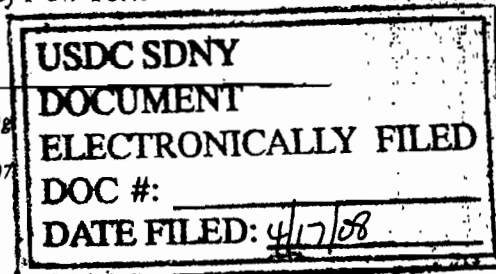
## U.S. Department of Justice



United States Attorney  
Southern District of New York

The Silvia J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

April 17, 2008

**BY FACSIMILE**

The Honorable Sidney H. Stein  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: United States v. Michael A. Smith  
07 Cr. 1157 (SHS)

Dear Judge Stein:

The Government writes to inform the Court of the status of the pending deferred prosecution request in the above-referenced case. As the Government stated at the last conference, the Government granted the defendant's request for a deferred prosecution, and forwarded it to the United States Probation Office for its review. The Government has been informed by the Probation Office that its officers need at least 45 days to review the request, and that the Probation Office will provide its report on or about May 2, 2008. Accordingly, the parties ask that the Court schedule a conference date for mid-May, at which time the parties hope to enter into a deferred prosecution agreement. Please find attached to this letter a draft copy of the deferred prosecution agreement that the Government circulated to defense counsel and the Probation Office. Should there be any changes after the Probation Office's report, the Government will send a revised copy to the Court.

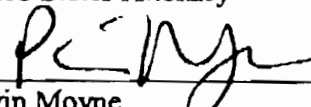
Should the Court grant the Government's request to schedule a conference in mid-May, the Government further respectfully requests (with the consent of defense counsel) that the Court exclude the time under the Speedy Trial Act until the conference date because the ends

from April 17

May 15

of justice served by excluding time under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8).

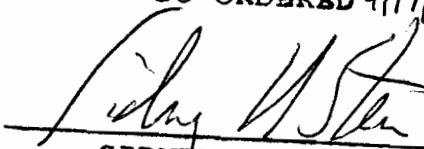
Respectfully submitted,  
MICHAEL J. GARCIA  
United States Attorney

By:   
Parvin Moyné  
Assistant United States Attorney  
Telephone: (212) 637-2510

cc: Hugh Mundy, Esq. (by facsimile)

*Conf at 10:15 AM May 15 at 2:30 PM  
Parvin Moyné Time excluded from  
April 17 until May 15.*

SO ORDERED 4/17/08

  
SIDNEY H. STEIN  
U.S.D.J.